

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-00202-RJC-DSC**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
FRED D. GODLEY JR.,)
F.D. GODLEY NUMBER THREE, LLC, and)
436 CONE AVENUE, LLC,)
)
Defendants.)

Order

THIS MATTER comes before the Court on a combination of the Parties' motions in limine. (DEs 102, 103, 104, 105, 107, 108, 109). In the interests of providing the parties with the Court's rulings ahead of trial, the Court below lists the Parties' relevant motions by docket number, a summary of the request in the motion, and the Court's ruling on the motion.

Defendants' Motions in Limine

DE	Request	Decision
102 at 1	<u>Request:</u> That the Court exclude evidence regarding the administrative dissolutions of 436 Cone Avenue, LLC ("Cone Ave") and F.D. Godley Number Three, LLC ("GNT").	DENIED
102 at 5	<u>Request:</u> That the Court exclude evidence regarding Notices of Violations issued to Cone Ave by the Town of Pineville.	DENIED
102 at 9	<u>Request:</u> That the Court exclude evidence of prior litigation involving Mr. Godley and members of his family regarding family estate matters and the taxes associated therewith.	GRANTED
102 at 13	<u>Request:</u> That the Court exclude evidence regarding Mr. Godley's past or present individual wealth (or lack thereof), net worth, or income—as may be shown on his individual tax returns'	DENIED

	adjusted gross income.	
102 at 17	<u>Request:</u> That the Court exclude evidence regarding the value of Mr. Godley's home.	GRANTED
102 at 21	<u>Request:</u> That the Court exclude evidence regarding Mr. Godley's wife, Mrs. Kathy Godley's, individual wealth, net worth and value of her businesses.	DENIED
102 at 25	<u>Request:</u> That the Court exclude evidence of news articles related to any Godley Defendant.	RESERVED
102 at 29	<u>Request:</u> That the Court exclude evidence regarding Notices of Violations which were issued to any property other than those owned by Cone Ave and GNT.	GRANTED
102 at 32	<u>Request:</u> That the Court exclude evidence of prior litigation between any Godley Defendant and Mr. Clayton Parsons and/or Parsons CPA, PLLC.	GRANTED
102 at 35	<u>Request:</u> That the Court exclude evidence of Steve Tarleton's location and criminal history.	DENIED
104	Omnibus Motion to exclude Plaintiff's purported Federal Rule of Evidence 1006 summaries (rulings on each section below)	
•	<u>Request:</u> That the Court exclude Plaintiff's Exhibit 16 titled "Organization of Godley's Businesses."	DENIED – admissible as illustrative exhibit under Fed. R. Evid. 611(a)
•	<u>Request:</u> That the Court exclude Plaintiff's Exhibit 17 titled "Financial Relationships Among Godley's Businesses."	DENIED – admissible as illustrative exhibit under Fed. R. Evid. 611(a)
•	<u>Request:</u> That the Court exclude Plaintiff's Exhibit 18 titled "Timeline of Key Events Relating to Cone Ave."	DENIED – admissible as illustrative exhibit under Fed. R. Evid. 611(a)
•	<u>Request:</u> That the Court exclude Plaintiff's Exhibit 19 titled "Timeline of Key Events Relating to GNT."	DENIED – admissible as illustrative exhibit under Fed. R. Evid. 611(a)

•	<u>Request:</u> That the Court exclude Plaintiff's Exhibit 20 titled "Cone Ave, GNT, and GMC Undercapitalization."	DENIED
•	<u>Request:</u> That the Court exclude Plaintiff's Exhibit 21 titled "Transactions Related to Mortgage and Advance to Affiliate(s)."	DENIED – admissible as illustrative exhibit under Fed. R. Evid. 611(a)
•	<u>Request:</u> That the Court exclude Plaintiff's Exhibit 24 titled "Business Records Not Maintained."	DENIED – admissible as illustrative exhibit under Fed. R. Evid. 611(a)
DE 105	<u>Request:</u> That the Court exclude Mr. Dan Leistra-Jones from providing expert opinions regarding piercing the corporate veil.	DENIED

Plaintiff's Motions in Limine

DE	Request	Decision
103	Omnibus Motion (rulings on each section below)	
•	<u>Request:</u> That the Court admit Exhibits 16–21 and 24 under Fed. R. Evid. 1006.	GRANTED in part as to Exhibit 20 and DENIED in part as to Exhibits 16–19, 21, and 24. Exhibits 16–19, 21, and 24 are admissible as illustrative exhibits under Fed. R. Evid. 611(a).
•	<u>Request:</u> That the Court admit the explanatory chart in Exhibit B (DE 103-2 at 2) under Fed. R. Evid. 611.	GRANTED

SO ORDERED.

Signed: December 30, 2021




Robert J. Conrad, Jr.
United States District Judge